

Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

KIRSTEN G. KONO and CHRISTOPHER
KONO, husband and wife, individually and on
behalf of the marital community,

Plaintiffs,

vs.

K.K.W. Trucking, Inc.; a foreign corporation;
and GERALD MASSEY, an individual,

Defendants.

No. 3:21-cv-05851-JHC

STIPULATED MOTION FOR EXTENSION
OF EXPERT-RELATED DEADLINES

NOTE ON MOTION CALENDAR:
AUGUST 8, 2022

The parties jointly move for an Order extending the expert-related discovery deadlines shown below. This motion is not intended to alter any other deadlines or the trial date.

Event	Current Deadline	Proposed Deadline
Expert Disclosures Due	September 12, 2022	October 12, 2022
Rebuttal Expert Disclosures Due	October 12, 2022	November 12, 2022

This case arises out of a motor vehicle accident on January 25, 2019 when Defendant Massey operating a commercial motor vehicle ran a red light and struck a Sound Transit bus. Plaintiff was a passenger on that bus and claims to have sustained personal injuries as a result.

Plaintiff filed this lawsuit in the Pierce County Superior Court on October 29, 2021. Defendants removed the case to this federal court on November 19, 2021. After Defendants

1 filed their Answer and the parties submitted a Joint Status Report, the Court entered a
2 Scheduling Order on February 23, 2022 setting the deadline to disclose experts as September
3 12, 2022 and the deadline to disclose rebuttal experts as October 12, 2022.

4 Since then, the parties have exchanged and completed written discovery. On March
5 18, 2022, Plaintiff signed an authorization allowing Defendants to collect her pertinent
6 medical records. While many providers have responded, some important medical providers
7 have yet to produce their records, thereby delaying discovery and now necessitating
8 subpoenas duces tecum to compel their responses. This delay materially impacts the progress
9 of the case, because Defendants wish to take Plaintiff's deposition after collecting all her
10 medical records and then seek a Rule 35 exam to evaluate and respond to Plaintiff's injuries.
11 The parties hope to discuss an early resolution after completing this discovery.
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13 The current deadline to disclose experts of September 12, 2022 is unworkable given
14 the delays by the providers. The parties believe it would be appropriate to extend the expert
15 disclosure deadline by 30 days to allow a brief extension of time to compel the unresponsive
16 medical providers to produce their records, with an equal extension to the rebuttal expert
17 disclosures in turn. This is the first extension requested and does not impact the other case
18 deadlines or trial date.
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20 For these reasons, the parties agree there is good cause for this motion and jointly ask
21 the Court to grant it and extend the discovery deadlines accordingly.
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1 DATED: August 8, 2022.

2 *s/ Dylan E. Jackson*

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15 *Attorneys for Plaintiff*

16 **ORDER**

17 The stipulated motion of the parties is GRANTED. Expert Disclosures shall be due
18 October 12, 2022. Rebuttal Expert Disclosures shall be due November 12, 2022. It is so
19 ORDERED.

20 DATED this 9th day of August, 2022.

21 *John H. Chun*

22 HONORABLE JOHN H. CHUN

23 UNITED STATE DISTRICT JUDGE